

Applic. No. 10/078,116
Amdt. dated January 21, 2004
Reply to Office action of November 21, 2003

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-16 remain in the application.

The substance of the telephone interview on December 18, 2003 as required, is provided below:

The participants of the interview were Examiner Evans, Primary Examiner Ren Yan, and undersigned. The purpose of the interview was to discuss the Examiner's broad interpretation of the limitation "outlet wedge of the cutting-cylinder pair".

Undersigned made the following points regarding the "outlet wedge of the cutting-cylinder pair". First, the Examiner's original interpretation of Calbrix et al. that the stationary product guide disposed in the "outlet wedge of the cutting-cylinder pair" (Office action dated March 24, 2003) was a correct interpretation. However, the Examiner's recent interpretation of the Calbrix et al. reference that the copy guides of Calbrix et al. were disposed in the "outlet wedge of the cutting-cylinder pair" (Office actions dated July 29, 2003 and November 21, 2003) is not correct.

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The undersigned provided a definition of a "wedge" that stated a "wedge" is piece of wood or metal that tapers to a thin edge or anything shaped as a wedge. Therefore, because the definition does not state that a wedge is infinite, counsel argued that "outlet wedge of the cutting-cylinder pair" could not be an infinite shape ending at an arbitrary point dictated by the Examiner. Furthermore, undersigned argued that because a "wedge" is not infinite, an "outlet wedge of the cutting-cylinder pair" must be defined by the boundaries of the cutting-cylinder pair. However, the Primary Examiner disagreed and stated that the "outlet wedge of the cutting-cylinder pair" could extend to any plane in space determined by the Examiner. However, the Primary Examiner did not allude to how far the "wedge" extends in the Examiner's interpretation.

The undersigned also referred to page 8, lines 5-10 of the specification of the instant application where it is stated that with regard to Fig. 8, diverting rollers 56, which serve likewise for driving the transport belts 54, which are adjacent the outlet wedge 53. The undersigned made the point that this location of the transport belts 54 adjacent the outlet wedge 53 is the same location as the transport tapes (5.1 and 5.2) of Calbrix et al.. Therefore, the transport tapes of Calbrix et al. cannot be considered to be disposed in

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the "outlet wedge of the cutting-cylinder pair" as disclosed in the instant application. Nevertheless, the Primary Examiner did not reverse his position. The Primary Examiner suggested that applicants file a declaration providing the definition of "outlet wedge of the cutting-cylinder pair" and the reason why it should be considered after the final Office action. The Primary Examiner also indicated that such a declaration would then be considered. This statement is understood to mean that the declaration would be entered by the Examiner for purposes of appeal.

In item 2 on page 2 of the Office action, claims 1-3, 5-7, 9-10, and 13-16 have been rejected as being fully anticipated by Calbrix et al. (U.S. Patent No. 5,839,365) (hereinafter "Calbrix") under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 16 call for, *inter alia*:

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a copy guide disposed in an outlet wedge of the cutting-cylinder pair for gripping leading ends of the sheet-like copies for guiding the copies, the copy guide including revolving transport elements.

Enclosed herewith is a declaration signed by inventor Alain Blanchard stating that the appropriate definition for an "outlet wedge of the cutting cylinder pair" is as follows:

A wedge shaped space that is located on an outlet side of the cutting cylinder pair and which is defined by the circumferential surfaces of the cutting cylinder pair and a plane that is tangent to each cylinder of the cutting cylinder pair on the outlet side of the cutting cylinder pair.

Applicants request that this definition be considered due to the fact that applicants believed that the "outlet wedge of the cutting cylinder pair" should have been interpreted as defined in the enclosed declaration based on the arguments provided in response to the Office action dated July 29, 2003. Because the arguments were based upon this definition, applicants believed that no declaration was needed at the

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time, and therefore, no such declaration was provided at that time.

It is noted that the corporate assignee of the Calbrix reference is also the assignee of the instant application, and therefore applicant is very familiar with the Calbrix reference.

The Calbrix reference discloses a product guide (15) having two product guiding parts (15.1 and 15.2) (column 2, lines 11-36). The product guide (15) is disposed in the outlet wedge of a cutting cylinder pair (4.1 and 4.2) between the outlet of cutting cylinder pair (4.1 and 4.2) and mutually cooperating transport tapes (5.1 and 5.2).

The following remarks pertain to the Examiner's comments in item 2 of the Office action, that Calbrix discloses a copy guide (5.1, 5.2) disposed in an outlet wedge of the cutting-cylinder pair (4).

First, the instant application discloses that with stationary copy guides disposed downline from a cutting nip of a cutting-cylinder pair (as is also disclosed in Calbrix), it is possible to guide a leading end of a material web through an outlet wedge of the cutting-cylinder pair into an inlet region

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with mutually cooperating transport belts, so that the copies severed from the material web in the cutting nip do not remain beyond control as they pass out of the outlet wedge of the cutting-cylinder pair into the inlet wedge of the downline transport-belt pair (page 1, line 20 to page 2, line 2).

As can be seen from the above-provided comments, the enclosed definition, and contrary to the Examiner's comments, the transport tapes (5.1 and 5.2) of Calbrix are not a copy guide including revolving transport elements, as recited in claims 1 and 16 of the instant application. Also in contrast to the Examiner's comments, as can be seen in Figs. 1 and 2 of Calbrix, the transport tapes (5.1 and 5.2) are not disposed in the outlet wedge of the cutting cylinder pair. Only the stationary product guide (15) is disposed in the outlet wedge of the cutting cylinder pair. Such a configuration is contrary to the invention of the instant application as claimed, in which the copy guide including revolving transport elements is disposed in the outlet wedge of the cutting cylinder pair. Based on the above given reasons, the transport tapes (5.1 and 5.2) of Calbrix are not a copy guide including revolving transport elements.

Calbrix does not show a copy guide disposed in an outlet wedge of the cutting-cylinder pair for gripping leading ends of the

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sheet-like copies for guiding the copies, the copy guide including revolving transport elements, as recited in claims 1 and 16 of the instant application. The Calbrix reference discloses a stationary product guide disposed in the outlet wedge of the cutting cylinder pair. This is contrary to the invention of the instant application as claimed, in which a copy guide is disposed in an outlet wedge of the cutting-cylinder pair for gripping leading ends of the sheet-like copies for guiding the copies, where the copy guide includes revolving transport elements.

Since claim 1 is believed to be allowable, dependent claims 2-3, 5-7, 9-10, and 13-15 are believed to be allowable as well.

In item 4 on page 4 of the Office action, claim 4 has been rejected as being fully anticipated by Calbrix (U.S. Patent No. 5,839,365) in view of Pautrat (U.S. Patent No. 6,513,427) under 35 U.S.C. § 103. Pautrat does not make up for the deficiencies of Calbrix. Since claim 1 is believed to be allowable, dependent claim 4 is believed to be allowable as well.

In item 5 on page 5 of the Office action, claim 8 has been rejected as being fully anticipated by Calbrix (U.S. Patent No. 5,839,365) in view of Sarni et al. (U.S. Patent No.

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6,295,925) under 35 U.S.C. § 103. Sarni et al. do not make up for the deficiencies of Calbrix. Since claim 1 is believed to be allowable, dependent claim 8 is believed to be allowable as well.

In item 6 on page 5 of the Office action, claims 11 and 12 have been rejected as being fully anticipated by Calbrix (U.S. Patent No. 5,839,365) in view of Burke (U.S. Patent No. 6,146,201 under 35 U.S.C. § 103. Burke does not make up for the deficiencies of Calbrix. Since claim 1 is believed to be allowable, dependent claims 11 and 12 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or 16. Claims 1 and 16 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-16 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

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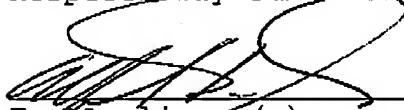
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call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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